



Town of Wallingford, Connecticut

Government Access Television

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March 5, 2009

Senator John Fonfara
Representative Vickie Nardello
Co-Chairs, Energy and Technology Committee
Room 3900, Legislative Office Building
Hartford, CT 06106

Re: H.B. 6604 (Raised), LCO No. 4139, An Act Concerning Public Access Television Channels

Dear Committee Members,

As Manager of Government Access Television for the Town of Wallingford ("Town"), I wish to express my appreciation to the Committee and its staff for allowing me to represent the Town and our facility in this legislative proceeding.

Thank you for raising H.B. 6604. The bill addresses many issues of concern to those who fund, manage and use public, educational and governmental access ("PEG") channels. Our operation is pleased that the bill grandfathers the existing number of PEG channels and town-specific channels [Section 7(c)] and requires all video service providers to be responsible for the repair and maintenance of all PEG transmission equipment [Section 12]. The Town would certainly be hard-pressed to allocate funds for that purpose. We also believe that the video service providers are those best qualified to resolve technical issues with equipment selected to comply with their chosen delivery technologies. The Town encourages the committee to consider modified language to clarify this section. We would ask that video service providers assume all costs associated with transmission equipment and installing, connecting and maintaining the interconnectivity between a PEG facility and the provider's distribution center.

Important channel quality matters appear to be the focus of language in several sections. Chief among our concerns in Wallingford is the potential for the erosion of basic channel functions that viewers have come to expect during our 34-year history. These functions include finding and selecting a channel, recording programming on a DVR, and, of course, signal clarity. Section 7, [lines 118-126], offers some protection by stating that a community antenna television company or holder of a certificate of cable franchise authority "shall not discriminate in the signal quality, functionality or accessibility that it provides on the basis of the commercial or noncommercial status of a channel." Similarly, Section 8 (a)(1), [lines 137-139] requires certified competitive video service providers to provide capacity equal to the number of PEG channels currently offered by the incumbent cable operator "with the same or better access and video quality

provided by the incumbent community antenna television company.” The Town observes that this phrase may benefit from an expanded language to ensure that judgements about channel access and video quality are objective. Section 11 provides a mechanism for the DPUC to define a PEG “channel.” As part of that docket, it would be helpful for the agency to evaluate the video and audio quality, and length of time necessary to access and view PEG programming. While we acknowledge that emerging technologies may affect the manner in which a video service provider delivers programming, the provider should not be permitted to discriminate based on content or point-of-origin. The Town firmly holds that PEG channels are the primary local compensation for use of public rights-of-way and should not be diminished by a video service provider's desire to minimize costs.

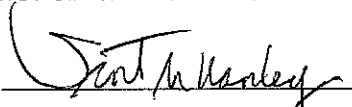
Narrowing the scope of the Public, Educational and Governmental Programming and Educational Technology Investment Account (“PEGPETIA”) is welcomed. The fundamental purpose of the account is to subsidize capital and equipment costs relating to producing and procuring programming. Public, educational and governmental studio operators, as existing programming facilitators, are best suited to utilize the capital improvement monies. As evidenced by the initial round of grant applications to the Department of Public Utility Control (“DPUC”), many individual programmers were denied funds because their project proposals sought to underwrite labor costs. The proposed change in Section 6 (b) will not only more efficiently utilize PEGPETIA, it will reduce the amount of time DPUC staff will have to devote to administering the fund.

The Town also endorses the performance review of video service providers as proposed in Section 10. Subscribers will benefit from ongoing evaluation by the DPUC, with full participation by the Office of Consumer Counsel, Attorney General and advisory councils. This provision may help to restore advisory councils as local “ombudsmen” for customers. Similarly, the designation of advisory councils as mediators of customer inquiries and complaints about public access television issues in Section 1(a) may further illuminate the purpose and function of advisory councils for local residents.

Thank you for your consideration of my comments.

Respectfully submitted,

TOWN OF WALLINGFORD

By: 
Scott A. Hanley, Manager
Division of Government Access Television